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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

)
)
Amendment of Parts 15 and 90)
of the Commission's Rules to)
Provide Additional Frequencies)
For Operation of Cordless)
Telephones)

ET Docket No 93-235

To: The Commission

COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

The American Radio Relay League, Incorporated (the League), the national non-profit association of amateur radio operators in the United States, by counsel and pursuant to Section 1.415 of the Commission's Rules (47 C.F.R. §1.415) hereby respectfully submits its comments in response to the Notice of Proposed Rule Making (the Notice), FCC 93-422, 58 Fed. Reg. 51299, released September 17, 1993. The Notice proposes to allocate additional frequencies for cordless telephone operation in the 43-44 and 49 MHz ranges, frequencies which are currently allocated for Private Land Mobile Radio use. In response to the Notice proposal, and its effect on licensees in the Amateur Radio Service, the League states as follows:

1. The Notice proposal would encourage the proliferation of cordless telephones in the 49 MHz band. However, these telephones are currently operating in the upper portion of the 49 MHz band, and as such the addition of frequencies at 43-44 MHz and at 49.200-49.500 MHz would not appear to make interaction between these

telephones and amateur radio stations in residential areas operating at, inter alia, 50-54 MHz any worse than it is now. In this respect, the League does not interpose any objection to the allocation of additional frequencies for cordless telephone operation.

2. The interference situation now with respect to interference susceptibility of cordless telephones is, however, unsatisfactory. It requires, in the context of any rule making that would encourage the proliferation of cordless telephones, some accommodation for the consumer. Innocent, non-technical purchasers of cordless telephones are dismayed when they purchase a new generation cordless telephone which is subject to interference from a nearby amateur radio station, land mobile station, or other Part 15 device. The consumer in such a case knows that he or she is not at fault, and the new cordless telephone is not useful for the purpose intended in the presence of nearby RF fields. The Field Operations Bureau does not any longer routinely investigate complaints of interference to home electronic equipment, and the consumer gets no satisfaction from the Commission in such cases, upon complaint.

3. These problems, not surprisingly, result in complaints against the transmitter operator, which take the form of law suits, complaints to zoning or homeowner's associations, or, in several cases the League has noted recently, criminal actions for nuisance being initiated against radio amateurs. When it is noted that the cordless telephone has the normal Part 15 warning on the label on the device, and must tolerate interference received, it means

little to the consumer, the authority adjudicating the complaint, or to the transmitter operator, who is not in a position to rectify the interference locally. In cases where civil nuisance suits have been lodged against radio amateurs, (which are expensive to defend and which provide a difficult matter for non-technical persons, such as judges, to adjudicate), the transmitter operator is regularly cast in the role of the party at fault. It is not a common-sense explanation that the cordless telephone is manufactured in such a way that it is not capable of rejecting unwanted signals. Given the reliance that people place on telephone communications, judges, land use authorities, and homeowner's associations confronted with complaints against transmitter operators of "noxious or offensive activities", often treat interference-free telephone communications as a basic entitlement.¹

4. The Commission's rules provide for a number of warning labels for cordless telephones. Section 15.214(c) of the Rules requires that the normal Part 15 label for cordless telephones contain an additional statement that the privacy of communications may not be ensured when using the phone. Section 15.233 provides that certain cordless telephones bear an additional label warning

¹ There are several dozen cases in the League's files of RFI complaints against radio amateurs which are based, in whole or in part, on interference between amateur stations and cordless telephones. In one such case in Vero Beach, Florida, now pending on appeal, a state trial judge found amateur station operation to be a "noxious or offensive activity" as the result of interference to cordless and other telephone communications and enjoined all further transmissions from the amateur station.

consumers that the base units of some cordless telephones may respond to other nearby units or radio noise resulting in calls being dialed through the unit without the owner's knowledge. It is not much to ask for an additional notification to be given to the consumer informing him or her as to sources of relief for interference received from nearby radio transmitters.

5. The League does not oppose the allocation of additional frequencies for cordless telephone operation, but with such action, which encourages the proliferation of cordless telephones, comes the compelling obligation to insure that the consumer of such devices is protected against the purchase of a device which is susceptible to interference. Accordingly, the League suggests the following:

A) The Commission should issue a public notice warning consumers of cordless telephones that they may be subject to interference, and that in such cases, no interference protection is offered, and that transmitter operators are not obligated to resolve any such interference. This notice can be used in addition as a means of resolving disputes on the local level and directing the consumer to an appropriate source of help.

B) Cordless telephone labels, either on the device, on a tag, or in the packaging material should emphasize the possible interference susceptibility of the devices, and direct the consumer to the manufacturer for suggested remedies.


C) The Commission should request that the Telecommunications Industry Association (TIA), the petitioner in this proceeding, with the assistance, if necessary, of the American National Standards Institute or other standards organizations, develop appropriate standards for interference rejection for cordless telephones, to be incorporated in future rules governing such devices.

Therefore, the American Radio Relay League, Incorporated respectfully requests that any expansion of the frequencies authorized for cordless telephone operation be accompanied by the requisite consumer protection provisions suggested herein.

Respectfully submitted,

**THE AMERICAN RADIO RELAY
LEAGUE, INCORPORATED**

By


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December 8, 1993